

**EXHIBIT 6**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FCC 91M-2042  
5151

In re Applications of	)	MM Docket No. 90-504
	)	
PLAYA DEL SOL BROADCASTERS	)	File No. BPH-890501MJ
	)	
VALDOVINO BROADCASTING, LIMITED PARTNERSHIP	)	File No. BPH-890503MO
	)	
MICHAEL DURDEN	)	File No. BPH-890503MP
	)	
For Construction Permit for a	)	
New FM Station on Channel 249A	)	
in Mecca, California	)	

MEMORANDUM OPINION AND ORDER

Issued: June 28, 1991 ; Released: July 2, 1991

1. Under consideration are a Petition to Enlarge Issues Against Valdovino Broadcasting, Limited Partnership, filed on May 17, 1991, by Michael Durden ("Durden"); an opposition thereto filed on May 29, 1991, by Valdovino Broadcasting, Limited Partnership ("VBLP"); and a reply filed on June 17, 1991, by Durden.

2. Durden seeks the addition of real party-in-interest, financial qualifications, and false financial certification issues against VBLP. In support, Durden claims that Salvador Serrano, through his sister Lura Madarang, is a real party-in-interest in VBLP. Serrano is a broadcast consultant who, with his business partner, George Enuton, found VBLP's proposed site, recruited its general partner, prepared its engineering, helped draft its application, brought its limited partners into the application, drafted its partnership agreement, and otherwise guided the VBLP application. Madarang, who is a 40% limited partner in VBLP, has no obligation to contribute funds to the applicant, knows virtually nothing about the applicant, and holds her interest as a surety for her brother, that is, to insure that he and Enuton receive their fee for consulting services. Madarang will transfer her 40% interest to VBLP's general partner if and when Serrano and Enuton are paid.

3. In support of its request for financial and false certification issues, Durden argues that, at the time of certification, VBLP general partner Feliciano Valdovino had no idea about where the money to build the station might come from. After the application was filed, Enuton told Valdovino that her limited partners would provide her with the money to build the proposed station. She never received any information which would show that her limited partners could meet their commitments, but relied on Enuton's verbal assurances that they could do so.

4. In its opposition, VBLP maintains that Serrano is not a real party-in-interest because he will not hold any future interest in the proposed station. VBLP also alleges that, at the time of her financial certification, Valdovino was relying on her own resources, and that they were sufficient to construct and operate the proposed station. In support of this assertion, VBLP supplies Valdovino's balance sheet showing her financial condition as of March 31, 1991.

5. Durden's petition to enlarge issues will be granted. Although Madarang is the legal owner of a 40% interest in VBLP, she admittedly holds that interest on behalf of her brother, who appears to possess and control that interest in all but name. Moreover, at the hearing, Serrano candidly testified that he used his sister to hold this interest because, if he held such interest himself, it would be attributable to the applicant and reduce its integration credit. Under these circumstances, it appears that Serrano and Enuton may be real parties-in-interest in VBLP and the requested issue will be added. Moreover, based upon the above, it appears that the legal and organizational structure of VBLP may be a sham and, on the Presiding Judge's own motion, an appropriate issue will be specified.

6. Financial and false certification issues will also be added. It appears that VBLP had no firm financial plan in place to finance the construction and operation of its proposed station at the time of its financial certification. Moreover, even assuming that VBLP was relying on Valdovino's personal finances, it has failed to establish that she had at the time of certification sufficient net liquid assets to cover the applicant's costs. Similarly, even assuming that VBLP was relying on its limited partners' assets, Valdovino had no concrete, firsthand information at the time of her certification establishing that they could fulfill their commitments. Northampton Media Associates, 4 FCC Rcd 5517, 5518-19 (1989).

Accordingly, IT IS ORDERED that the Petition to Enlarge Issues Against Valdovino Broadcasting, Limited Partnership, filed by Durden on May 17, 1991, IS GRANTED, and the following issues are added to this proceeding:<sup>1</sup>

4. To determine whether Salvador Serrano and/or George Enuton is a real party-in-interest in Valdovino Broadcasting, Limited Partnership;
5. To determine whether the legal and/or organizational structure of Valdovino Broadcasting, Limited Partnership, is a sham;
6. To determine whether Valdovino Broadcasting, Limited Partnership, is financially qualified to construct and operate its proposed station;
7. To determine whether Valdovino Broadcasting, Limited Partnership, was financially qualified to construct and operate its proposed station at the time its application was filed;
8. To determine whether Valdovino Broadcasting, Limited Partnership, falsely certified that it was financially qualified to construct and operate its proposed station; and
9. To determine, in light of the evidence adduced under Issues 4 through 8, whether Valdovino Broadcasting, Limited Partnership, possesses the basic qualifications to become a Commission licensee.

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<sup>1</sup> Under Issues 6 and 7, VBLP must also establish that its limited partners have continually had the ability to fulfill their commitments to all of the pending applications in which they were involved. Breeze Broadcasting Company, Ltd., 5 FCC Rcd 6365 (Rev. Bd. 1990).

IT IS FURTHER ORDERED that because the facts required to resolve these issues are peculiarly within the knowledge of VBLP, the burden of proceeding and the burden of proof on these issues ARE ASSIGNED to VBLP.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in dark ink, appearing to read "Arthur I. Steinberg", is written over the typed name.

Arthur I. Steinberg  
Administrative Law Judge

CERTIFICATE OF SERVICE

I, David Honig, this 29th day of July, 1991, hereby certify that I have caused to be placed in the Washington, D.C. U.S. First Class Mail, postage prepaid (or arranged for hand-service) a copy of the foregoing "Witness Notification" addressed to the following:

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